in I.D. No. 25/75 which had been registred by this Tribunal on 19th November 1975. The points of dispute in that Reference are as follows:-

1. Whether the Drivers of the Karnataka State Road Transport Corparation as represented by the Kranataka State Road Transport Corparation Drivers Union are justified in demanding the payment of Special Pay of Rs. 20/-PM. with effect from 22nd February 1971?

2. If not, what relief are the said workmen entitled to?

From this it is apparently clear that the complainant was admittedly a driver working in the Opposite Party is workman concerned in I. D. No, 25/75. In respect of this fact, admittedly the Opposite Party Corporation have not sought or obtained approval of this Tribuhal with regard te their action in having dismissed the complainant from service for a misconduct, as required under Section 33(2) (b) of the Industrial Disputes Act. There has, thus, been a clear violation by the Opposite Party-Corporation of the mandatory provisions ot Section 33 of the I. D. Act and as rightly contended by Sri A. V. Srinivas for the complainant, the order of dismissal is to be quashed on this ground alone.

14. In the result, it is found that the domestic enquiry conducted against the complainant with regard to the alleged misconduct has been held as invalid by this Tribunal. Inspite of the same the Opposite Party have not proved the alleged misconduct against the complainant at least before this Tribunal. The Opposite Party also had not admittedly complied with the mandatary provisions of Section 33 (2) (b) of the Industrial Disputes Act. In uiew of these, the order of dismissal passed against the complainant in No. KST : BD: EST: DR: 4091/76-77 dated 30th Septemper 1976 is liable to be set aside and accordingly it is set aside. So, the following Award is passed.

AWARD

Accordingly an Award is passed holding that the order of dismissal passed against the complainant in No. KLT BD EST DR 4091/76-77 dated 30th September 1976 is invalid and thus the Opposite Party is not justified in dismissing the complainant from service. Therefore the complainant is entitled for reinstatement with continuty of service and other consequential benefiits. No order as to costs.

(Dicted to the Steographer, transcribed by him and corrected by me.)

H. SHANMUKHAPPA
Presiding Officer,
Industrial Tribunal, Bangalore.